

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VESTER L. PATTERSON

Petitioner,

v.

JOEL MARTINEZ, Warden,

Respondent.

Case No. [16-cv-02862-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at Sierra Conservation Center, located in Tuolumne County, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in Los Angeles County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Pursuant to Habeas Local Rule 2254-3(a)(1), venue is proper in the Northern District for petitions challenging the lawfulness of a conviction or sentence from the following counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma. Under Habeas Local Rule 2254(b), if a petition filed in the Northern District does not conform to Habeas Local Rule 2254-3(a), venue shall be transferred to the district of conviction or sentencing, if the petition is challenging the conviction or sentence.

Petitioner was convicted in Los Angeles County Superior Court, which lies within the venue of the Central District of California. 28 U.S.C. § 84(b). Accordingly, pursuant to 28 U.S.C.

1 § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is
2 ordered to TRANSFER this action to the United States District Court for the Central District of
3 California.

4 All remaining motions are TERMINATED on this Court's docket as no longer pending in
5 this Court.

6 **IT IS SO ORDERED.**

7 Dated: June 29, 2016



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE

United States District Court
Northern District of California